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Note verbale dated 26 October 2004 from the Permanent Mission of Germany to the United Nations addressed to the Chairman of the Committee

Referring to the Chairman's note verbale dated 21 June 2004, the Permanent Mission of Germany has the honour to transmit herewith the report of the Government of the Federal Republic of Germany pursuant to Security Council resolution 1540 (2004) (see annex).

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Annex to the note verbale dated 26 October 2004 from the Permanent Mission of Germany to the United Nations addressed to the Chairman of the Committee

Federal Republic of Germany

National report on the implementation of Security Council resolution 1540 (2004)

October 2004

Operative Paragraph 1
Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery

1. The Federal Republic of Germany does not provide any form of support to non-State-actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.
Relevant laws and regulations are in place and being implemented. Thus, effective domestic control is established and illicit actions are penalized.
Furthermore, all relevant measures taken and laws implemented are constantly scrutinized with regard to amendments and revisions that current events or developments may make necessary.

2. Any other policy would violate the German Constitution, Article 26 of which prohibits all actions that might disturb the peaceful relations between nations. Article 26 also forbids the manufacture, the transport and marketing of weapons designed for war unless approved by the Federal Government. After the devastating experience of the Third Reich and the Second World War any government of the Federal Republic of Germany is firmly committed to contributing to a more peaceful and safer world.

3. The fight against terrorism along with an effective non-proliferation policy within a multilateral framework features prominently on the foreign and security policy agenda. Germany therefore welcomes Security Council Resolution 1540/2004 on measures to prevent non-State actors acquiring WMD as an important achievement in multilateral efforts in countering proliferation of WMD and shall contribute to its full implementation.

4. The Federal Republic of Germany is party to all relevant multilateral disarmament, arms control and non-proliferation treaties and conventions and remains firmly committed to its obligations within international institutions and conventions, i.e. the United Nations, EU, IAEO, NPT, CWC, BWC etc. The respective conventions have been translated into national law.
Germany shall continue to promote an effective multilateralism as the best way to meet the challenges of the 21st century, in particular the proliferation of weapons of mass destruction. To this end Germany also supports relevant institutions and international cooperative efforts undertaken in the framework of relevant institutional fora, i.a. PSI, G8 Global Partnership, EU.

5. The Federal Government is strongly committed to a restrictive arms exports policy and reaffirmed its stance in the Political Principles Adopted by the Federal Government on the Export of War Weapons and Other Military Equipment adopted in January 2000. At the same time Germany advocates adoption of the EU Code of Conduct for Arms Exports as legally binding guideline.
German policy on the export of weapons in general and of related goods is guided by the wish to contribute to maintaining peace, preventing the outbreak of violence, protecting human rights and supporting sustainable development worldwide. With regard to WMD, their export is explicitly forbidden, the export of related goods and other equipment is subject to a very restrictive approval procedure guided by the above mentioned principles.

Operative Paragraph 2
Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

6. National law, complemented by enacting obligations derived from relevant international conventions and treaties to which Germany is party, is geared towards effectively preventing proliferation of weapons of mass destruction to non-state actors and to states.

7. The basic regulations on manufacture, transport and marketing of war weapons are contained in the War Weapons Control Act established in 1961 in response to art 26 of the German Constitution (Basic Law), where all actions to develop, transport or market war weapons are prohibited unless explicitly approved by the Federal Government. Transport according to the constitutional article 26 includes not only cross border transport but also domestic transport. Thus, the War Weapons Control Act provides for a comprehensive framework; the Foreign Trade and Payments Act, the War Weapons Reporting Ordinance and the Implementation Act on the Convention on the Prohibition of Chemical Weapons as well as the Implementation Act on the Convention of 10 April 1972 on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons further complement the War Weapons Control Act.
Further laws relevant for the prohibition of development, acquisition, productrion, possession, the transport, transfer or use of nuclear, chemical or biological weapons and their means of delivery are the Foreign Trade and Payments Ordinance of 18 December 1986, as well as the directly applicable Council Regulation (EC) No 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology. The Federal Republic of Germany, therefore, has a comprehensive and effective system of laws which fulfils the requirements of state legislation deriving from Res. 1540/04 op 2.

8. Since the middle of the 80s proliferation through export of dual use goods has become particularly problematic as more and more actors tried to get hold of restricted technology. Since it became known in 1989 that a German manufacturer delivered sensitive material for a chemical weapons factory in Libya the German regulations and control procedures including not only the War Weapons Control Act, but i.a. also the Foreign Trade and Payments Act and the Penal Code have been repeatedly amended and rendered more severe.
The details of German regulations are outlined below.

9. Pursuant to Sections 17 and 18 of the War Weapons Control Act all persons, groups and organizations are forbidden to develop, produce or trade in nuclear weapons, parts, devices, assemblies or substances especially designed for them and biological and chemical weapons, to acquire them from or transfer them to another person, to import or export them, to transport them through or otherwise bring them into or out of federal territory, or otherwise exercise actual control

over them. This comprehensive and absolute prohibition covers the possession of, influence on and use of nuclear, chemical and biological weapons.
It is also forbidden to induce another person to commit one of the above-mentioned activities or to encourage one of these activities in any way, particularly through financing.

10. These punitive norms are reinforced by the fact that violations of the law are to be legally classified as crimes and punishable with a prison sentence of up to 15 years. This also applies to attempts to commit one of the above-mentioned acts. Specific penalties for the illicit use of nuclear or radioactive material, the transfer of this material to unauthorized persons or the brokering of such deals, preparation of a radiation offence, initiation of a nuclear explosion, the development, manufacture, purchase, import, export or transit of a nuclear weapon are stipulated in the German Penal Code and may result in fines of up to 250,000 euro, imprisonment for up to five or ten years or even for life.

11. As a party to the Nonproliferation Treaty (NPT) of 1 July 1968 (signed 28 November 1969, ratified 4 June 1974) Germany is committed to the principles and objectives enshrined therein. Germany therefore is bound not to provide source or special fissionable material or equipment or material especially designed or prepared for the processing, use or production of special fissionable material to any non-nuclear weapon state for peaceful purposes, unless the source or special fissionable material is subject to the safeguards required under the NPT. Germany itself is bound not to receive any transfer whatsoever of nuclear weapons or other nuclear explosive devices or of control of such weapons or explosive devices directly or indirectly and not to manufacture or otherwise acquire nuclear weapons or other nuclear explosive devices and not to seek assistance to this end.

12. Furthermore, as a State Party to the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their destruction (CWC) of 13 January 1993, Germany has undertaken never under any circumstances to assist, encourage or induce, in any way, anyone to engage in any activity prohibited to a State Party under this Convention. To enforce this obligation, detailed prohibitions and licensing and declaration requirements for the chemicals specified in the above-mentioned Convention were incorporated into the CWC Implementation Act of 2 August 1994 and the related Implementation Ordinance of 20 November 1996. Under these stipulations the production, processing, acquisition, possession and trade, including the import and export, of such chemicals are subject to strict licensing. A licence is granted only if it can be ensured that performance of the activity requiring a licence will not violate any obligations deriving from the above-mentioned Convention.

13. Furthermore, as a State Party to the Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on Their Destruction of 10 April 1972, Germany has undertaken not to transfer to any recipient whatsoever the goods covered by this Convention, directly or indirectly, and not in any way to assist, encourage or induce anyone to manufacture or otherwise acquire such weapons.

14. The handling of means of delivery is subject to strict licensing and is prohibited if a licence has not been granted or until a licence has been issued (Section 2 ff, War Weapons Control Act).

Additionally, Section 12 paragraph 1 of the War Weapons Control Act stipulates that all necessary steps must be taken to prevent conventional war weapons (including means of delivery) from going astray or being used by unauthorized persons. It must be ensured that only authorized and extremely reliable persons have access to the war weapons. Violation is punishable with a prison sentence of up to five years, in particularly serious cases up to ten years, pursuant to Section 22a of the War Weapons Control Act. This also applies to accomplices and abettors as well as attempts to commit an offence.

15. Additional regulations to guarantee safety with regard to the manufacture, use, storage and transport of other military equipment and related materials derive from various laws specifically designed to protect the public. In particular the stockpiling, storage, transport, import and export of explosive substances of relevance to the use of means of delivery are subject to many licensing and reporting requirements, which derive from the Explosives Act. These monitoring activities chiefly involve assessing and checking technical security aspects to prevent unauthorized persons gaining access to such substances and thus to protect the public.
In addition, other requirements designed to guarantee transport security derive from the European Agreement Concerning the International Carriage of Dangerous Goods by Road (ADR) and the national regulations on the transport of dangerous goods by road, rail, sea and inland waterways.

Operative Paragraph 3
Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:
(a) Develop and maintain appropriate effective measures to account for and secure such items in production, use, storage or transport;

16. As listed above, the production, use, storage and transport of nuclear, chemical and biological weapons and related technologies is prohibited and a criminal offence. Accounts of legal transactions can therefore not be kept.

17. The handling of radioactive substances (nuclear fuels and other radioactive substances), chemicals and biological agents for exclusively peaceful purposes is subject to strict national monitoring according to the laws mentioned in op 2. In addition to these regulations further and specific rules apply for the use of nuclear material which are implemented and controlled by EURATOM.
The EU-Council Directive 2003/122/EURATOM of 22 December 2003, which is binding for EU Member States, and the national Radiation Protection Ordinance regulate the handling of nuclear material. To implement the recommendations of the IAEA Code of Conduct on the Safety and Security of Radioactive Sources Germany is currently amending the Atomic Energy Act in order to provide for the creation of a national electronic register for high-activity sealed radioactive sources.

18. In addition to requirements of official approval described in paras 23-27, the Radiation Protection Ordinance requires anyone authorized to handle or use radioactive substances - i.e. nuclear material and other radioactive material – for peaceful purposes to notify the responsible supervisory authority

of any extraction, production, acquisition, transfer or other whereabouts of the respective radioactive substances within one month of the beginning by specifying the activity and type of the material. They must also keep detailed records of these actions and submit the inventory of radioactive substances to the responsible authority once a year. The authority conducts inspections to verify the accuracy of the records and declarations.
Radioactive waste may only be disposed of in Federal repositories or State waste-collecting facilities, which are adequately secured in accordance with regulations.
All radioactive waste must be registered electronically and transparently and the records regularly updated by the bodies authorized to use radioactive substances, as specified in an Annex to the Radiation Protection Ordinance. This data is included in the advance notification prior to any shipment of radioactive waste.

19. With regard to monitoring the handling of chemicals, the CWC Implementation Act and the related CWC Implementation Ordinance stipulate that all handling of the chemicals covered by the Convention is subject to comprehensive and strict licensing, declaration and reporting. Furthermore, anyone who is subject to these restrictions or required to report shall take all necessary steps to prevent the chemicals going astray or being used by unauthorized persons. The federal supervisory authorities may demand company assessments and inspections to check compliance with these obligations. Violation of these regulations is punishable with a prison sentence of up to five years.

20. Various legal provisions are in place in Germany to monitor the handling of hazardous biological agents, depending on the type of pathogen, such as the Animal Disease Act, the Plant Protection Act, the Protection against Infection Act and the Biological Agents Ordinance. They contain detailed reporting, controlling and licensing requirements. These special laws make it possible to track the whereabouts of biological agents even when they are used exclusively for civilian purposes.

21. With regard to the handling of means of delivery, pursuant to Section 12 paragraph 2 of the War Weapons Control Act and the Second Implementation Ordinance to the War Weapons Control Act a register of war weapons must be maintained to keep detailed and complete track of their whereabouts. Pursuant to Sections 9 and 10 of the Implementation Ordinance, the original stock levels, any changes and the stock levels on the reporting dates (31 March and 30 September each year) must be immediately entered in the war weapons register. In addition, the names and addresses of the manufacturer, the transporter and the purchaser of each weapon must be supplied. Improper keeping of the war weapons register shall be punishable with a fine of up to 5000 euro.
Moreover, the War Weapons Reporting Ordinance of 24 January 1995 contains additional reporting requirements for the import and export of certain missiles. Pursuant to this ordinance the number of missiles, the war weapon serial number, the type, the date of import or export, the purpose and the country of destination for the import and export of such missiles are to be reported.

Operative Paragraph 3
(b) Develop and maintain appropriate effective physical protection measures;

22. With a view to securing nuclear facilities and nuclear materials against illicit use and sabotage Germany has put strict regulations in place that translate the principles of the Convention on the Physical Protection of Nuclear Material into national law as specified below.

23. According to the German Atomic Energy Act import and export, transport, possession, treatment, processing, other use, storage and disposal of nuclear material is subject to licensing and regulatory supervision by competent national authorities. These activities shall only be authorized if the licensee and State response forces can ensure the necessary physical protection against third party interventions, in addition to other licensing conditions. Additional physical protection measures for trans-boundary shipments of nuclear material as prescribed by the Convention on the Physical Protection of Nuclear Material have been implemented.

24. The respective physical protection measures are structural, technical, personnel-based and administrative. They observe the principles of graded approach and defence-in-depth and take the national design basis threat into account, as required by the Fundamental Principles and Objectives of Physical Protection endorsed by the IAEO General Conference in September 2001.The protection measures have been specified in a set of classified national guidelines and are complemented by the Ordinance on the Verification of Trustworthiness for Protecting Against the Diversion or Major Release of Radioactive Material and the General Administrative Provision on the Protection of Classified Information. The system of protective measures by the licensee as specified in laws, ordinances and authority guidelines plus protective measures by State response forces ensure that nuclear material is effectively protected against theft or any other unauthorized removal from its peaceful use and against transfer to illegal applications in nuclear or radiological weapons.

25. This licensing and physical protection regime is also regarded as a contribution to the implementation of the position of the EU in Article 4, last bullet of the Council Common Position 2003/805/CFSP of 17 November 2003 to promote measures which effectively exclude any possible misuse of civilian nuclear programmes for military purposes. Germany furthermore supports current efforts to amend the Convention of Physical Protection of Nuclear Material and Facilities.

26. For other radioactive substances, which might be used as materials for radiological weapons – in particular radioactive waste and high-level sealed sources –, the German Radiation Protection Ordinance and the EU-Council Directive 2003/122/EURATOM provide the legal basis for demanding and implementing physical protection measures against theft or other unauthorized removal from peaceful applications. Furthermore, Germany fully supports and is implementing the IAEA Code of Conduct on the Safety and Security of Radioactive Sources.

27. If licensees fail to meet their obligations under the licence based on the legal prescriptions mentioned above, the national legal instruments specify sanctions such as temporary revocation, complete withdrawal of the respective licence or fines of up to 50,000 euro.

28. Pursuant to the Protection Against Infection Act, the Genetic Engineering Act, the Animal Infectious Disease Act and respective ordinances the possession and handling of hazardous biological agents requires special authorization by the respective medical, veterinary or other agencies. The authorizations are granted for specified agents or specified purposes only. Furthermore, authorization is only granted in case of proven professional need, competence and reliability of authorized persons. Finally, the equipment must meet security requirements that comply with national and international standards. Domestic transfer of hazardous biological agents for legal peaceful purposes may take place only among authorized persons and facilities. Any handling of agents must be documented in detail. In case the licensee fails to meet his obligations national legislation specifies sanctions like temporary revocation or complete withdrawal of the respective authorization and/or administrative fines.

29. With regard to chemical weapons the German CWC Implementation Ordinance stipulates that any handling of the chemicals covered by the Convention is subject to comprehensive and strict licensing, declaration and reporting. Furthermore, anyone who is subject to these restrictions or reporting requirements shall take all necessary steps to prevent the chemicals going astray or being used by unauthorized persons. The federal supervisory authorities may demand company audits and inspections to check compliance with these obligations. Violation of these regulations is punishable with a prison sentence of up to five years.

30. Strict national security and safety regulations apply to the handling of World War I and II ammunition with chemical fill. This ammunition, once recovered from the ground, is treated according to the provisions of the Law on Explosives in conjunction with the 1st and the 2nd Ordinance Pertaining to the Law on Explosives as well as with the pertinent regulations on the storage of explosives and the rules and regulations issued by the chemical industry employer's liability insurance association.
The handling of the chemical fill is based on the provisions of the Hazardous Substances Ordinance.

Operative Paragraph 3
(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;

31. In the Federal Republic of Germany any form of trade including cross-border trade in nuclear, biological or chemical weapons of mass destruction is prohibited pursuant to Section 17 ff of the War Weapons Control Act. The prohibition also applies to the conclusion or brokerage of contracts which involve the acquisition or transfer of weapons of mass destruction and to all activities leading up to the conclusion of such a contract. The specific regulations are outlined below.

32. The acquisition and transfer of means of delivery is governed by the strict licensing regulations applicable to war weapons and is prohibited unless a licence has been granted or until a licence has been issued see op 2, para 14). Brokering such contracts or showing that an opportunity exists to

conclude such contracts concerning war weapons located outside Germany also requires a licence (Section 4a, War Weapons Control Act).

33. Control of cross-border trade in related materials in Germany takes place in accordance with international agreements on the basis of European legislation. Pursuant to Art. 3 and 4 of Council Regulation (EC) No 1334/2000 of 22 June 2000, a licence is required for the export of the dual-use items listed in Annex I of the EC Regulation, and other related materials must be controlled if they are or could be intended for use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of nuclear, biological or chemical weapons or for the development, production, maintenance or storage of missiles capable of delivering such weapons.
A national licensing requirement also exists pursuant to Sections 5c and 5d of the Foreign Trade and Payments Ordinance, in cases where other related materials are or could be intended for military use or for the construction of, operation of or incorporation into a nuclear processing plant, and the purchasing country or destination is listed in Sections 5c and 5d of the Foreign Trade and Payments Ordinance.

34. If the military equipment is located outside Germany or outside the territory of the European Union, licensing is required pursuant to Section 40 paragraph 1 of the Foreign Trade and Payments Ordinance if a German acquires the equipment abroad from a non-German and resells it to a third party, unless the purchasing country and destination is an EU member state or listed in Annex II part 3 of Council Regulation (EC) No 1334/2000. Likewise, transit trade with dual-use items is subject to licensing pursuant to Section 40 paragraph 2 of the Foreign Trade and Payments Ordinance if the items are located outside the European Union and the purchasing country and destination is an embargo country or included on the Foreign Trade and Payments Ordinance Export List.

35. Furthermore, in addition to the above-mentioned equipment controls, Section 45 ff of the Foreign Trade and Payments Ordinance grant the authorization to control technological support services rendered inside and outside the Federal Republic of Germany. In Germany, therefore, both the transfer of equipment and the transfer of know-how require a licence.

36. These controls demand licences for all support services of relevance to the development, production, handling, operation, maintenance, storage, detection, identification and dissemination of chemical and biological weapons, nuclear weapons or other nuclear explosive devices. Support services rendered in connection with the development, production, maintenance or storage of missiles capable of delivering such weapons likewise require a licence.
Violation is punishable with a fine of up to 500,000 euro. In particularly serious cases a prison sentence of up to five years may be imposed.

37. The Federal Ministry of Economics and Labour in agreement with the Federal Foreign Office and the Federal Ministry of Finance is also entitled to prohibit legal transactions and activities concerning external economic affairs in individual cases, especially exports and transfers, if they could significantly disturb the peaceful coexistence between nations or seriously disrupt the Federal Republic of Germany's security or external relations (Section 2 paragraph 2, Foreign Trade and

Payments Act). This power of intervention, which was introduced partly to prevent the proliferation of weapons of mass destruction, can be used even if the legal transaction or the activity concerned does not require a licence pursuant to the EC Dual-Use Regulation or the Foreign Trade and Payments Ordinance. It enables the Federal Government to take effective measures very quickly to counter an acute proliferation risk.

38. On 23 June 2003 the Council of the European Union adopted a Common Position on the control of arms brokering (2003/468/CFSP), the content of which is in line with the above-mentioned regulation in Section 4a of the War Weapons Control Act. The introduction of appropriate controls to enforce the contents of the Common Position is currently under way.

Operative Paragraph 3
(d)Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations

39. With its extensive prohibitions on handling weapons of mass destruction, including related support services and the prescribed penalties for violation of the law, Germany complies with the requirements of op 3 d concerning nuclear, biological and chemical weapons.

40. Germany is a founding member of all export control regimes in the field of non-conventional weapons: the Nuclear Suppliers Group, the Missiles Technology Control Regime and the Australia Group. The Federal Government considers them to be a relevant contribution of major importance to achieving the goal of preventing the proliferation of WMD as enshrined in the international non-proliferation conventions and treaties (NPT, BTWC, CWC). With a view to contributing to the further development of the scope of all export control regimes, Germany has explicitly supported the inclusion of a catch-all clause (approval requirements for non-listed items in case of possible misuse relevant to proliferation of WMD) and of an additional regime objective, i.e. preventing access of persons suspected of supporting terrorism to listed items.
The adoption of the export control lists and the control regulations of the respective export control regimes by states outside the regimes features among the political goals of the Federal Government. Germany maintains that this is an important contribution to global efforts in the fight against proliferation that reaches beyond the state parties of the export control regimes.
Germany faithfully implements the guidelines of the export control regimes and has to this end adopted, as necessary, the required national regulations as outlined below.

41. Export, transit, trans-shipment and re-export of means of delivery are subject to strict licensing regulations pursuant to Section 2 ff of the War Weapons Control Act in accordance with the provisions on conventional war weapons. Such activities are prohibited unless a licence has been granted or issued and are punishable with a prison sentence of up to five years, in particularly serious

cases up to ten years. This also applies to supporting financial and transport services if they are deemed to contribute to the unauthorized export, re-export or transit, as well as to attempts to do so.

42. Export controls for related materials, if they are dual-use items, take place on the basis of Council Regulation (EC) No 1334/2000 of 22 June 2000. The Federal Office of Economics and Export Control (BAFA) subjects such export applications to a thorough technical examination. Decisions on exports to specific countries or recipients with potential proliferation risks are taken by an interministerial export committee representing various ministries and competent authorities. Licences are generally granted only if the end-use of the items for civilian purposes has been presented convincingly and plausibly and there are no indications that the items will be put to sensitive use. Licensing practice is largely shaped by the Federal Government's decision not to contribute to the proliferation of weapons of mass destruction and the missiles and systems that deliver them.

43. Moreover, the export of unlisted dual-use items, i.e. items which the international export control regimes have not deemed generally worth controlling, may also require a licence. The export of such goods requires a licence if they are or could be intended for use in connection with the development, production, handling, operation, maintenance, storage, detection, identification or dissemination of nuclear, biological or chemical weapons or for the development, production, maintenance or storage of missiles capable of delivering such weapons. In addition, pursuant to the supplementary national stipulations, a licence must also be obtained if these goods are or could be intended for a military end-use or for the construction of, operation of or incorporation into a nuclear processing plant and the purchasing country or destination is listed in Sections 5c and 5d of the Foreign Trade and Payments Ordinance. For applications of this nature a licence is granted only - in line with the licence procedure for dual-use goods - if comprehensive examination of the use of the goods and the final recipient reveals no potential proliferation risks. This corresponds to the licensing procedure for dual-use items.

44. Another central condition determining whether a licence is granted is the reliability of the exporter, which is checked regularly. Every application for an export licence is carefully compared with the lists of names in the various anti-terrorism regulations to prevent weapons of mass destruction, their means of delivery or related materials from falling into the hands of persons suspected of supporting terrorism. The checks cover not only the exporter's name, but also everyone connected with the planned export.

45. Exporting items without prior authorization is prohibited and punishable with a prison sentence of up to five years, in particularly serious cases up to 15 years. Supporting financial and transport services are also punishable if they can be regarded as contributing to the unauthorized export or re-export, as are attempts to commit such offences.
These rigorous individual examinations and the high penalties for violating the law guarantee an optimal level of security and have proved appropriate and effective in preventing export law evasion and in controlling the access of non-State actors to weapons of mass destruction, means of delivery and related materials.

46. Irrespective of the above-mentioned licensing procedure, the export, transit and trans-shipment of goods in Germany may also be prohibited and prevented by intervention in individual cases, as

described in more detail in op 3c, pursuant to Section 2 paragraph 2 of the Foreign Trade and Payments Act. In this context it is important to mention that this power of intervention also exists if the activity concerned does not require a licence. The Federal Government has made use of this option on various occasions.

47. The regulations on combating money laundering and terrorist financing applicable in Germany, which specifically aim to ensure the transparency of payments, also serve to control and prevent the funding of proliferation deals. In Germany a complex set of rules on combating money laundering based on two EU guidelines has been in place since 1993. Following the events of September 11, 2001, the member states of the Financial Action Task Force on Money Laundering (FATF), which include Germany, also pledged to translate the eight FATF Special Recommendations on Terrorist Financing into national law by June 2002. With the fourth Financial Market Promotion Act, which entered into force on 1 July 2002, and the Money Laundering Prevention Act of 8 August 2002, Germany has taken further legal steps to implement the FATF recommendations to combat money laundering and terrorist financing.
The following measures deserve specific mention:

48. Section 25a paragraph 1 (4) of the Banking Act obliges credit institutes to establish all-inclusive computer monitoring systems to examine transactions according to risk groups and suspicious features and create appropriate security systems to screen clients and transactions. Implementation of the international customer due diligence standards requires active investigation of business relations and risk groups which have provided grounds for suspicion. Moreover, credit institutes, insurance companies and financial service providers have to set up appropriate security systems and controls for clients and transactions to prevent money laundering and terrorist financing pursuant to Section 14 paragraph 2 of the Money Laundering Act. The Federal Financial Supervisory Authority constantly updates this general clause with administrative provisions.

49. Pursuant to Section 25b of the Banking Act, when transferring funds via cash-free transactions with states outside the European Union, credit institutes must ensure that client data is fully recorded and passed on and that incomplete data can be identified and completed where necessary.

50. Pursuant to Section 11 of the Money Laundering Act credit institutes must immediately report to the responsible law enforcement agencies any facts which give rise to the suspicion that a financial transaction could involve a criminal money laundering activity or the financing of a terrorist organization. The financial market supervisory authorities and the finance offices have the same obligation pursuant to Sections 13 and 16 of the Money Laundering Act and Section 31b of the Fiscal Code respectively.

51. Section 5 of the Money Laundering Act provides for the establishment of a Financial Intelligence Unit – FIU in the Federal Criminal Police Office to pool, examine and evaluate all financial intelligence information and exchange data with central offices in other countries. Thus the instrument of financial intelligence on money laundering is to be used more to detect financial flows than serve terrorism.

52. According to Section 12a paragraph 1 of the German Customs Administration Act persons shall report upon request of the relevant officials (Customs and Federal Border Control Police) the nature, number and value of cash or equivalent means of payment to the value of 15,000 euro or more which they are taking or transporting into, out of or through the country. If there is reason to assume that cash or equivalent means of payment are being transported for the purpose of money laundering or terrorist financing, the respective officials may seize the cash or the equivalent means of payment up to one month. The relevant criminal authorities are to be informed without delay (Section 12a paragraph 2). According to Section 12a paragraph 3, the competent customs authorities may record, process and utilize personal data. The customs authorities may forward this data to the responsible criminal prosecution authorities as well as to other financial authorities under certain conditions.

Operative Paragraph 6
Recognizes the utility in implementing this resolution of effective national control lists and calls upon all Member States, when necessary, to pursue at the earliest opportunity the development of such lists.

53. The existence of national lists of items to identify the range of controllable items is a central aspect of German export control. These control lists contain all items classified as worthy of control in the international export control regimes, the competent European Union bodies and the Federal Government.
These lists are subject to ongoing checks and updates. Specifically, the decisions taken under the international export control regimes and in the EU on changing the lists are to be translated into national law as soon as possible. This ensures that all items which have been classified as worthy of control at international level are also subject to checks in Germany.

Operative Paragraph 7
Recognizes that some States may require assistance in implementing the provisions of this resolution within their territories and invites States in a position to do so to offer assistance as appropriate in response to specific requests to the States lacking the legal and regulatory infrastructure, implementation experience and/or resources for fulfilling the above provisions

54. The German government attaches great importance to assisting partner countries where neccessary and requested in fulfilling their international obligations in the field of dismantlement, export control and non-proliferation of WMD.

55. Germany has pledged up to 1.5 billion US dollars up to 2012 for projects within the Global Partnership against the Spread of Weapons and Materials of Mass Destruction launched at the G-8 Summit 2002 in Kananaskis. Currently Germany is supporting three projects in the Russian Federation:

- The construction of a CW destruction facility at Kambarka (appr. 300 million euro up to 2008). The project Kambarka is the 'successor' of the only working Russian CW-destruction facility at Gorny, which has been erected with German help und is still receiving German support.

- The construction of a long-term intermediate storage facility for 300 reactor compartments of decommisioned Russian submarines at Saida-Bay including the dismantling of the decommissioned submarines there (appr. 300 million euro up to 2008)
- The modernization of the physical protection of almost 20 nuclear installations and storage sites (including for nuclear weapons destined for disarmament, appr. 170 million euro up to 2009)

56. As a member of the "Northern Dimension Environmental Partnership" Germany supports its nuclear window with 10 million euro up to 2007.

57. Germany has been actively supporting the IAEA Nuclear Security Fund, which helps to implement programmes to improve the physical protection of nuclear materials and radioactive sources, through in-kind contributions (experts in physical protection) plus financial contributions of 1.2 million euro since 2002. In addition, Germany has been advising and supporting nations in designing and improving their national systems for physical protection on a bilateral basis, through direct technical assistance, expert services and training courses conducted in the Russian Federation and the Ukraine. This support will continue as far as the financial resources will allow.

58. The Federal Government supports bilaterally through its implementing agencies (Federal Office of Economics and Export Control (BAFA), Customs Authority) the establishment and further development of national export control system in several European and non-European states. This support shall be maintained and partly expanded.

59. Furthermore, Germany has extended assistance in the field of national implementation of the CWC obligations to several countries.

60. Finally, on the occasion of the meeting of state parties to the BTWC Germany also offered to several countries to assist in implementing prohibition and export control obligations pursuant to BTWC.

Operative Paragraph 8
Calls upon all States:
(a)To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

61. Germany is party to all relevant international treaties and conventions. It promotes bilaterally as well as within the EU framework the universalisation and the full implementation of multilateral control regimes in the field of non-proliferation of WMD, related material and their means of delivery. This policy has been confirmed within the EU-framework by the adoption of the Common Position of the European Council on the Universalisation and Reinforcement of Multilateral Agreements in the field of WMD and Means of Delivery in November 2003 as well as by the adoption in December 2003 of the EU Strategy against the Proliferation of WMD.

62. The multilateral treaty regime provides the normative basis for all non-proliferation efforts. Germany is committed to working towards strengthening the disarmament and non-proliferation treaties, agreements and arrangements, with a view to filling identified gaps in the current pattern of multilateral instruments. Particular emphasis is put on reinforcing compliance with their provisions, i.a. by enhancing the detectability of significant violations and strengthening enforcement of the norms established by the multilateral treaty regime.

63. Germany is committed to working towards effectively strengthening the role of the UN Security Council, as the final arbiter on the consequence of non-compliance – as foreseen in multilateral regimes - , to promote compliance with the non-proliferation commitments of the NPT by universalising the Additional Protocol and making it the verification standard for all NPT State Parties and fostering additional measures to ensure that any possible misuse of civilian programmes for military purposes will be effectively excluded. The promotion and implementation of the nuclear disarmament obligations of the Nuclear Weapon States in line with Article VI of the NPT and the practical steps contained in the Final Document of the 2000 NPT Review Conference contribute to this objective. Compliance with the nuclear disarmament obligations is crucial for maintaining the effectiveness, authority and integrity of the nuclear non-proliferation regime.

64. To this end Germany has made specific proposals during the ongoing review process of the Non-Proliferation Treaty (NPT/CONF.2005/PC.IIIWP.14 on Export Controls, NPT/CONF.2005/PC.IIIWP.15 on procedures and mechanisms to strengthening the NPT against withdrawal and non-compliance, NPT/CONF.2005/PC.IIIWP.16 on compliance, NPT/CONF.2005/PC.I/13 on implementation of article VI and paragraph 4(c) of the 1995 Decision on "Principles and Objectives for Nuclear Non-Proliferation and Disarmament, NPT/CONF.2005/PC.I/WP.12 on protection against nuclear terrorism and security of nuclear materials and nuclear installations, NPT/CONF.2005/PC.I/WP.5 on non-strategic nuclear weapons, NPT/CONF.2005/PC.I/WP.4 on attaining a nuclear-weapon-free world).

65. Germany continues to work on the strengthening and completion of the international treaty regimes and inspection mechanisms which can contribute to curbing and preventing the proliferation of ballistic missiles. In the context of the Hague Code of Conduct Germany has contributed to this end substantial proposals for an effective implementation of the Code (Working paper of 2 October 2003 and 17 June 2004 on the occasion of the HCOC Annual Conferences and Experts Meetings). Germany is promoting these goals in bilateral consultations with third countries and works for a universal participation to the Hague Code of Conduct.

66. In the absence of a verification protocol, Germany proposed at the BTWC Meeting of Experts in July 2004 in Geneva to revisit UN Resolution 42/37 C (Measures to Uphold the Authority of the 1925 Geneva Protocol) and UNGA Document A/44/561 (Chemical and Bacteriological (Biological) Weapons) with a view to supporting the UNSG in improving his capabilities to carry out investigations in response to reports that may be brought to his attention by Member States concerning the use of biological weapons.

67. As State Party to the Chemical Weapons Convention Germany has been actively pursuing a policy aimed at strengthening this important disarmament instrument in both the Executive Council and the Conference of the States Parties of the OPCW. Germanys regular contribution of nearly 10% to the OPCW programme and budget reflects its commitment to the object and purpose of the Convention. Germany has actively contributed to both the OPCW Action Plan on Universality by participating in demarches aimed at the universalisation of the CWC. In the context of the OPCW Action Plan on National Implementation, Germany has extended assistance to several other States parties with a view to enabling the speedy completion of their national implementation legislation.

Operative Paragraph 8
(b)To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral non-proliferation treaties;

68. As mentioned in op 2 and 3 Germany has translated all obligations and commitments of the relevant international and multilateral treaties and conventions Germany has acceded to into national law. Germany is committed to continue to do so as the necessity occurs.

Operative Paragraph 8
(c)To renew and fulfil their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

69. Germany is a longstanding and active supporter of the International Atomic Energy Organisation and its work. As the third largest contributor to the IAEA Budget, Germany spends every year more than 27 million US-dollars in support of the Agency's regular budget with an additional amount of 4.5 million US-dollars in support of the technical cooperation activities of the Organisation. Germany was among the first to sign and ratify the changes in the IAEA statue to allow for biennual budgeting. A bilateral safeguards support programme and a number of cost-free experts provided to the Agency add to those amounts. Furthermore, Germany –through the active participation of numerous experts in IAEA working groups is substantially engaged in the work of the Agency, in particular with regard to its non-proliferation activities and the IAEA measures against the threat of nuclear terrorism.

70. Germany has been supporting the BTWC in all its aspects and has been working actively towards strengthening the Convention with EU and other partners. This includes annual demarches towards universality of the BTWC.
Following the failure in 2001 to achieve a legally binding instrument to verify compliance with the Convention, States Parties took a pragmatic decision at the 5th Review Conference to launch a new process scheduled until 2005 with a view to contributing valuable expertise on a full range of topics including national legal implementation of the BTWC prohibitions and export regulations including penal legislation, implementation of national measures to improve the safety/security of dangerous biological agents, national and international efforts to improve biosurvaillance of disease outbreaks

and, finally, enhancing international capabilities for responding to and investigating cases of alleged use of biological weapons or suspicious outbreaks of disease. Germany is one of the main supporters of this process. Furthermore, in the absence of a verification protocol, Germany has been contributing since 1987 to the confidence building measures (CBMs) by annually reporting all relevant scientific projects, publications and institutions as agreed at the 2nd and 3rd BTWC Review Conferences.

71. Germany has been a staunch supporter of chemical disarmament and of the OPCW since its inception. It is noteworthy that the final text of the CWC was agreed on at the CD in Geneva in 1992 under German chairmanship of the ad hoc group. Germany has maintained for some time that, apart from the destruction of CW, the universalisation and full national implementation of the CWC is one of the essential elements for its efficiency. A comprehensive national implementation legislation was already adopted in 1994, 3 years before the entry into force of the CWC, in April 1997. Germany has actively participated in various demarches of the EU to promote universality. Furthermore, Germany has extended assistance to several countries in the field of national implementation of CWC obligations. As a member of the Executive Council of the OPCW, since its entry into force, Germany has been actively involved in promoting the object and purpose of the CWC. Germany attaches particular importance to the further development of the challenge inspection regime with a view to making it a routinely usable instrument within the treaty.

Operative Paragraph 8
(d)To develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws;

72. The publication of wide-ranging information on obligations pursuant to existing multilateral treaties and other agreements as well as under national law is a standard practice and a key element of German export control efforts. The effectiveness of our efforts in this field requires the provision of detailed instruction and the close involvement of the economic sectors affected.

73. To this end the Federal Ministries and the BAFA have published a large number of pamphlets and information sheets which can be read and downloaded free of charge from the respective websites (e.g. www.ausfuhrkontrolle.info). This information ranges from presentations of all relevant legal texts to explanations of administrative practice. Regular information days and expert discussions, providing the economic sectors concerned with updated information on current export control developments, supplement the publications.
Furthermore, Germany is heavily involved in organizing information days at international level, especially as part of the outreach activities of the international export control regime, to promote the harmonization and strengthening of efforts to prevent the proliferation of weapons of mass destruction through international cooperation.

Operative Paragraph 9
Calls upon all States to promote dialogue and cooperation on non-proliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery

74. In its Strategy against the Proliferation of Weapons of Mass Destruction the EU lists a number of policy areas and instruments relevant to the non-proliferation of WMD. Among these measures the promotion of a stable international and regional environment figures prominently. The best solution to the problem of proliferation of WMD is that countries should no longer feel they need them.
To this end Germany is fully committed to the objectives of the EU Strategy against the proliferation of WMD, which provides for an intensified political dialogue on disarmament, arms control and non-proliferation with third countries. Germany fosters regional and trans-regional dialogue in order to create a safer environment. Our policy is to prevent, deter, halt and, where possible, eliminate proliferation programmes of concern, while dealing with their underlying causes.
We further work to strengthen export control policies and practices in coordination with partners of the export control regimes and advocate, where applicable, adherence to effective export control criteria by countries outside the existing regimes and arrangements. Germany also continues to strengthen supplier regimes and European coordination in this area.
The EU also pursues a complementary approach geared towards mainstreaming non-proliferation policies into the EU's relations with third countries in introducing a non-proliferation-clause in future agreements of the EU with third countries. The EU economic co-operation or development assistance with third countries will take account of WMD proliferation concerns.
Germany fosters, contributes and adds to these actions by the EU in its bilateral dialogue with third countries, promoting regional security arrangements and regional arms control and disarmament processes.

75. Germany as a member of G8 is fully committed to the work and the initiatives of the G8 in the field of non-proliferation . Germany has pledged up to 1.5 billion US dollars up to 2012 for projects within the "Global Partnership against the Spread of Weapons and Materials of Mass Destruction" launched at the G-8 Summit 2002 in Kananaskis (see para 54). Together with G8 partners Germany is promoting the G8 principles to prevent the spread of WMD and materials of mass destruction to terrorists and those that harbour them adopted at the G8 Summit in Kananaskis 2002 and the action plan on radioactive sources adopted at the G8 Summit in Evian 2003. Together with G8 partners Germany is working on the implementation of the G8 action plan on non-proliferation adopted by G8 at Sea Island in 2004 which foresees a whole range of further concrete measures to fight the proliferation of WMD.

76. Germany also participates in NATO's fora on non-proliferation. First and foremost, the Senior Group on Proliferation Issues (SGP) engages in analysis of proliferation of WMD and its means of delivery aimed at formulating conclusions and recommendations for the Alliance's policy. In addition, as an instrument of outreach policy the SGP regularly consults with member countries of the Mediterranean Dialogue or Ukraine on non-proliferation issues.
The promotion of dialogue and cooperation on non-proliferation is also taking place within the NATO-Russia Council (NRC) "at 27". Joint analysis of non-proliferation instruments and current non-

proliferation challenges is geared towards elaborating common policy approaches for NATO and Russia to address the threat posed by proliferation of WMD and their means of delivery.
The same applies to the Euro Atlantic Partnership Council (EAPC). The EAPC is another appropriate forum to address proliferation issues in order to bring about an international strategic consensus against the proliferation of WMD and their means of delivery.

Operative Paragraph 10
Further to counter that threat, calls upon all States, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials;

77. As mentioned in op 9 Germany is cooperating bilaterally as well as multilaterally with all state partners and with the relevant international institutions and fora.

78. Germany has from its inception been actively involved in the Proliferation Security Initiative (PSI). In the Statement of Interdiction Principles adopted on 4 September 2003 in Paris, the participating states reaffirmed their commitment to impede and stop shipment of WMD, delivery systems, and related materials flowing to and from states and non-state actors of proliferation concern, consistent with national legal authorities and relevant international law and frameworks, including the United Nations Security Council.
In May 2004 Germany and its partners in the European Union have further pledged to fully endorse and subscribe to the Statement on Interdiction Principles of 4 September 2003. They noted in this context that UN Security Council resolution 1540 (2004) calls upon all states, in accordance with their national legal authorities and legislation and consistent with international law, to take cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials. Such a preventative operation was undertaken by German law enforcement agencies in cooperation with partners in October 2003. The German vessel BBC China, flying the flag of Antigua was rerouted to an Italian port and subsequently searched. The search revealed components for a centrifuge in five containers.
On 31 March/1 April 2004, Germany organised the first PSI interdiction exercise exclusively designed for law enforcement at Frankfurt International Airport under the auspices of the German Customs. Eighty-six representatives from 29 countries and the EU Commission and the EU Council Secretariat participated in the exercise either actively or as observers. The goal of the interdiction exercise was to improve procedures for the prevention of the proliferation of weapons of mass destruction, related materials and technologies and their means of delivery.

79. Furthermore, as Germany is a member of the EU, reference is made to the EU Common Report that will be transmitted to the UNSC 1540 Special Committee separately. This EU Report covers areas of EU and Community competences and activities in relation to UNSC Resolution 1540 and should be read in conjunction with this national report.

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Security Council

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Security Council Committee established pursuant to resolution 1540 (2004)

Note verbale dated 27 October 2004 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Romania to the United Nations presents its compliments to the Chairman of the Committee and has the honour to enclose herewith the first report of Romania on the implementation of Security Council resolution 1540 (2004) (see annex).

04-59015 (E) 101204

Annex to the note verbale dated 27 October 2004 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee

National report of Romania on the implementation of Security Council resolution 1540 (2004) (26 October 2004)

On 28 April, the Security Council unanimously adopted resolution 1540 (2004), which addresses the threat of weapons of mass destruction falling into the hands of terrorists and other non-state actors.

It was the first time the Council had passed a resolution on this subject, with the aim to prevent terrorists and other non-state actors to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Romania believes that the Security Council action can address this threat efficiently. Therefore, Romania is fully committed to the work of 1540 Committee in ensuring global implementation of this resolution.

Non-Proliferation Policy

Romania's policy on non-proliferation and export control is an important part of its foreign and security policy and has as its main goal the preservation of peace and security and the prevention of proliferation of weapons of mass destruction and their means of delivery.

As a State Party to the international non-proliferation regimes, Romania remains committed to contributing to regional and international security and stability by promoting transparency and responsibility in transfers of armaments and dual-use goods and technologies. Romania seeks to ensure, through its national policy and export control system that transfers of these items do not contribute to the development or enhancement of military capabilities which undermine these goals, and are not diverted to support such capabilities.

Romania is a State Party to NPT (1970), BWC (1979) and CWC (1995) and participates to the international non-proliferation regimes such as Wassenaar Arrangement (1996), Nuclear Suppliers Group (1991), Zangger Committee (1991) and Australia Group (1995). The Additional Protocol to the Safeguards Agreement between

Romania and the IAEA has been in force since 7 January 2001. Romania is also a signatory to the International Code of Conduct against Ballistic Missile Proliferation (HCOC).

The Missile Technology Control Regime is the only non-proliferation regime to which Romania is not yet party. Nevertheless, since 1992 the Government of Romania has fully complied with the MTCR Guidelines in order to limit the risks of proliferation of WMD's delivery means by controlling all transfers that could contribute to the development of military programs.

Romania supports the EU's policies to prevent WMD proliferation, in particular the Action Plan agreed at the Thessaloniki European Council in June 2003 and the Strategy approved by the European Council in December 2003.

Romania promotes international co-operation in order to prevent the acquisition of sensitive dual-use items for military purposes, in particular if the situation in a region or the behaviour of a state is, or becomes, a cause for serious security concern.

Legislative Action

The result of this policy is the restrictive legislative approach taken by the Government with respect to transfer of military equipment and dual-use items and technologies. The national export control system is based on multilateral, regional and bilateral obligations and political commitments entered into by Romania.

The primary export control legislation was enacted in Romania in 1992 through Government Decision no. 594 on import and export control of strategic goods and of dual-use items and technologies. This Act set up export control principles, licensing and authorization mechanisms and procedures as well as control lists of items similar to those agreed upon within MTCR, Nuclear Suppliers Group, Australia Group, Zangger Committee and the Wassenaar Arrangement. The national export control authority (ANCEX) was established according to this Decision. The Government Decision no. 594/1992 was further improved through the Government Ordinance no. 31/1994, approved by the Law no. 93/1994 on the import and export control of strategic goods, and later through the Government Ordinance no. 158/1999.

The export control legislation is complementary to the secondary legislation enacted to implement the international treaties on non-proliferation, such as NPT, BWC and CWC. In addition, separate legislation regulates the safe conduct of nuclear activities in Romania – Law no. 111/1996 as modified by the Law 193/2003. Specific measures to combat the WMD proliferation by terrorists are incorporated in Law 472/2004.

Romania aligned its export control legislation to the EU standards. The Parliament approved the Law no. 387/2003 on the export control of dual-use goods and technologies, thus ensuring full consistency with the EU regulation 1334/2000 and latter amendments thereto.

Executive action

The Inter-Ministerial Council for Export Control of Dual Use Goods and Technologies, the Inter-Departmental Group for Non-proliferation and the Interministerial Council for Counter-terrorism are responsible for actions to put in place Romania's non-proliferation activities, both at policy and technical levels. They also ensure the implementation of Security Council resolution 1540 (2004).

Technical assistance

Romania has contributed to the IAEA Nuclear Security Fund aimed at combating nuclear terrorism since its establishment in 2002. Technical assistance on export control legislation and "good practices" has been provided by Romania for countries within our region.

In kind assistance was also made available under the technical assistance programs coordinated by OPCW.

Implementation of resolution 1540 (2004)

Operative Paragraph 1

Romania does not provide any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Any and all such support is prohibited by Romanian law.

Operative Paragraph 2

All international obligations undertaken by Romania as a state party to the NPT, BWC and CWC are fully translated into domestic legislation, including the export control regulations and Penal Code. The most recent law passed by the Parliament of Romania (Law no. 407/2004) approves Romania's participation in the Australia Group.

Implementation of CWC is ensured through several laws approved by the Parliament of Romania: Law no. 125/1994 for the ratification of the CWC and Law no. 56/1997 for the national implementation of CWC. Law 56/1997 was modified and updated by Law no. 448/2003.

The maximum penalty for the use of chemical weapons and agents is life imprisonment. The maximum penalty for the development, production, acquisition, possession, or the direct or indirect transfers of chemical weapons is up to 25 years imprisonment and interdiction of some civil rights.

The national legislation and regulations can be consulted on the ANCEX's official website: www.ancex.ro

The National Commission for Nuclear Activities Control (CNCAN), which is the National Nuclear Regulatory Authority in Romania, initiated in 2002 an extensive process of revisiting national regulations in nuclear field. As a result, new norms were approved by the Government: Government Decision on the establishment of the List of materials, devices and equipment relevant for nuclear proliferation; Safeguards Regulations; Radioactive Material Transport Regulation; National Norms for Physical Protection in Nuclear Field.

Law no. 111/1996, republished in 1998, and succesive amendments, provides for a maximum penalty of life imprisonment for use of nuclear weapons or nuclear explosive devices. The maximum penalty for the development, production, acquisition, possession, direct or indirect transfer of nuclear weapons is up to 25 years imprisonment and interdiction of some civil rights.

The nuclear framework legislation and regulations can be consulted on the Regulatory Body's official website: www.cncan.ro/ro/legislatie.php.

An Inter-Departmental working group was set up in 2003 to consider and recommend possible updates to the national legislation in the biological field, in particular by addressing issues related to prevention and countering of bioterrorism.

Law 472/2002 on punishing terrorist activities covers acqusition or spread in air, ground, underground and water of products, substances, materials, microrganisms or toxins jeopardizing health of human beings and animals, or the environment. The maximum penalty for non-observance of the law is up to 20 years of imprisonment.

Law 466/2002 on preventing and fighting against the use of the financial and banking system to finance terrorist activities, which complements Law 656/2002 on preventing and punishing money laudering and amendments thereto, prohibits any financial assistance for terrorist activities.

Operative Pargraph 3

Decisions to import and export military equipment and dual-use items are made upon the thorough evaluation of each particular case.

In approving a licence for the export of military equipment and dual use items due consideration is given to whether:

- the transfer would affect in any way peace and security or creates instability;
- the transfer would breach international commitments undertaken by Romania;
- the end-user/broker is not reliable.

The national system for strategic exports control as updated in 2003, is a result of the positive achievements in this field, both at national and international level, during 1992-2003. Romania has continuously improved its mechanisms and procedures of non-proliferation and export controls by taking into account the results achieved within the international non-proliferation arrangements such as NSG, AG, MTCR, and the WA, as well as "best practices" in this field.

Within the measures put in place to improve the control system, Romania has developed a sound enforcement component, which amplifies the inter-institutional information sharing process and strengthens administrative co-operation on both prevention and response.

Romania is a staunch partner in the promotion of regional and international initiatives aimed at preventing the proliferation of WMD and their delivery systems, in particular against possible risks of diversion of strategic goods to terrorists.

Export Controls

Legal Framework

As already mentioned, the current control regime of exports and imports of strategic goods was based upon Government Decision no. 594/1992, modified by Government Ordinance no. 31/1994 and approved by Law no. 93/1994.

As a result of international developments and of the experience gained at national level, the legislative framework was further improved through Government Ordinance no. 158/1999 on the regime of exports and imports of strategic goods, published in the Official Bulletin of Romania, Part I, no. 519/26 October 1999. The implementation of EU regulations led to the approval by Parliament of a separate law regulating exports control of dual-use goods and technologies – Law no. 387/2003. This ensures the full consistency of the national legislation with EU regulation 1334/2000 and subsequent updates thereto.

The export control legislation and regulations can be consulted on the official website of the National Agency for Exports Control (ANCEX) – www.ancex.ro.

Institutional Framework
National Authority

The national control authority is the National Agency for Export Control (ANCEX). ANCEX is also the National Authority for implementation of CWC.

The National Authority was set up through Government Decision no. 594/1992.

Between 1993 and 2000, ANCEX operated as a specialised body of the Government, being subordinated directly to the Prime–Minister.

Since 2001, ANCEX has functioned as a specialised body of the central public administration, subordinate to the Ministry of Foreign Affairs. The on-site control activity of ANCEX is coordinated since 2003 by the Minister Delegate for enforcement activities. ANCEX is headed by a President with the rank of State Secretary.

Responsibilities

Regulation: ANCEX drafts the legal framework on export control and issues the appropriate procedures and instructions. The Agency ensures the implementation at the national level of the guidelines of the international control regimes (Wassenaar

Arrangement, NSG, Zangger Committee, Australia Group, MTCR) as well as the CWC and BWC.

ANCEX also implements the provisions of the *acquis communautaire* in the field of non–proliferation and export control of arms, ammunitions and dual-use goods and technologies.

Authorisation and licensing: ANCEX issues authorisations for import/export of strategic goods, import/export licences, and international transit and transhipment certificates, which cover also triangular operations.

Enforcement: ANCEX conducts on-site controls in all stages of the authorisation, licensing and delivery process (pre-licensing, licensing, post-licensing, and post-delivery).

Outreach: ANCEX co-operates with similar export control authorities and participates in international meetings on export control.

Interministerial Council for the Export and Import Control of Dual Use Items

The Interministerial Council for the export and import control of dual use items was established by Government Decision, following the promulgation of Law 387/2003. The Council approves or denies licence applications for export/import of dual use goods and technologies. The control list of dual use items was updated through the Government Decision 861/2004.

The Council meets weekly and its decisions are taken by consensus.

The Interministerial Council consists of representatives from:

- Ministry of Foreign Affairs – Non-proliferation and Arms Control Department and International Trade Department;
- Ministry of National Defence – Department of Procurement;
- National Customs Authority;
- Ministry of Economy and Trade;
- Ministry of Interior – Division for Economic Investigations;
- Romanian Intelligence Service;
- Foreign Intelligence Service;
- National Commission for Nuclear Activities Control;
- National Agency for Export Control (ANCEX).

The Council is chaired by the President of ANCEX.

Criteria

The licence or permit applications are considered by the members of the Interministerial Council according to the following criteria:

- legal obligations undertaken by Romania;
- strict observance of Security Council resolutions, OSCE decisions, and EU decisions, actions and common positions, including the EU Code of Conduct on arms export of 1998;
- guidelines and decisions of the international regimes for WMD non-proliferation and export control;
- conduct of the importer state and of the end-user;
- reliability of the importer state and of the end-user;
- denial notifications shared by member states of WA, NSG and AG.

Other Control Bodies within the National Export Control System

Other national authorities support ANCEX in carrying out preliminary control before an authorisation or licence is considered and approved by the Interministerial Council:

- **National Commission for Nuclear Activities Control** (CNCAN) - in the nuclear field;
- **Control Office for Exports and Imports of Special Goods (OCIEPS),** within the Ministry of National Defence in the military field;
- **Division for Economic Investigations (DIES),** within the Ministry of Interior - verification and law enforcement field;
- **National Customs Authority,** under the coordination of the Minister Delegate for enforcement activities.

All these bodies are represented in the Interministerial Council and their weekly meetings facilitate exchange of relevant control/enforcement information.

Authorisation and Licensing

The following operations with strategic goods are subject to the control regime, as stipulated in Law no. 387/2003 for dual use items and the Government Ordinance no. 158/1999 for armaments and military equipment:

- imports, exports, re-exports and any other permanent or temporary transfer to or from Romania;

- non-commercial activities;
- brokerage activities;
- international transit through Romania;
- transhipments made on the Romanian territory;

All the operations mentioned above are authorised on a case-by-case basis.

The control regime applies to all Romanian natural and legal persons carrying out import/export operations with strategic goods, as well as to public authorities, as well as to Romanian natural persons and residents abroad.

Strategic Goods

According to the national legislation the following items are defined as being "strategic goods":

- Dual-use goods (nuclear materials, facilities and equipment; materials, chemicals, micro-organisms and toxins; processing materials; electronics; computers; telecommunications; information security; sensors and lasers; navigation and avionics; marine; propulsion systems, space vehicles and related equipment). The dual-use list is consistent with EU regulations, Nuclear Suppliers Group, Zangger Committee, Australia Group, Wasssenaar Arrangement and MTCR Guidelines and decisions.
- Arms, munitions and other military goods.
- Intangible transfer of technologies.

Items Subject to Export Controls

A. Nuclear Items

Romania signed the Nuclear Non-Proliferation Treaty (NPT) on 1 July 1968 and ratified it on 4 February 1970. The Additional Protocol to the Safeguards Agreement between Romania and the IAEA entered into force on 7 January 2001.

Romania became a member of the Nuclear Suppliers Group and Zangger Committee in 1991.

Romania signed the Comprehensive Nuclear-Test-Ban Treaty (CTBT) in September 1996 and ratified it in October 1999.

Romanian nuclear export control legislation in based upon the guidelines of the Nuclear Suppliers Group (NSG) and Zangger Committee (ZC). Full scope safeguards is a prerequisite for approving any licence application for the export of nuclear material and technology to any non-NPT country. As a result, Annex 1 of the Government

Decision no. 467/1999 covers the strategic items and technologies included in the NSG control lists (as contained in INFCIRC 254, Part 1 and 2/Rev 4) and the ZC Trigger List (as stipulated in the IAEA document INFCIRC 209).

B. Biological and Chemical Items

Romania signed the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare on 17 June 1925 and ratified it on 23 August 1929 with two reservations. These were withdrawn through the Romanian Parliament Act no. 39 of 1 June 1991.

The Convention on the Prohibition of Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction was signed by Romania on 10 April 1972 and ratified on 25 July 1979.

The Convention on the Prohibition of the Development, Production, Stockpiling and the Use of Chemical Weapons and on their Destruction (CWC) was signed by Romania on 13 January 1993 and ratified on 15 February 1995. As stipulated by the Convention, the National Authority (ANCEX) has been set up with the view to ensure its implementation at the national level.

Romania became a member of the Australia Group in 1995.

The export control regime on dual-use biological and chemical equipment, agents and microorganisms was enacted in Romania in 1992, through Government Decision no.594/1992. The latest update of the AG list is Annex 1 of the Government Decision no. 467/1999.

C. Missile Technology

Although not a member of the Missile Technology Control Regime, in 1992 Romania pledged to abide by the MTCR Guidelines. MTCR Guidelines and control lists were incorporated subsequently in Government Decision no.594/1992. The latest update of the MTCR lists is Annex 1 of Government Decision no. 467/1999.

Romanian authorities exercise maximum care in considering all licence applications for transfers of items contained within MTCR Annex, on the basis of all available information.

D. Conventional Arms and Dual Use Goods and Technologies

Romania adhered to the former COCOM guidelines in 1992, when establishing its national export control system through Government Decision no.594/1992.

After COCOM dissolution in 1994, Romania continued strictly to abide by its export control commitments. The national basic law of 1994 (Law 93/1994) was further improved and in 1999 a new regulation came into force - Government Ordinance no. 158 of 19 October 1999 on the import and export regime of strategic goods.

In 1996, Romania joined the Wassenaar Arrangement on export controls for conventional weapons and dual-use items and technologies.

Romania implements the control lists of the Wassenaar Arrangement in the field of Dual- Use goods through Government Decision 467/1999, Annex 1 and Government Decision 20/2000 on export control of sensitive and very sensitive dual-use items.

Conventional arms and ammunition subject to the export control regime are incorporated in a specific list approved through Government Decision no. 844/2001, which is in line with the amendments adopted so far by the WA Plenary.

All strategic goods control lists are continuously updated subject to the decisions adopted within the international non-proliferation regimes and the EU.

"Catch-all" Procedure

The national legislation also covers the export control of other dual-use items that are not specifically included in the lists approved by Government Decisions, but which may be used in connection with the production of WMD and missiles capable of delivering such weapons. Under that provision an export licence is required if the exporter has been informed by the Romanian authorities or is otherwise aware that such goods are or may be intended, wholly or in part, for use in connection with WMD purposes.

Authorisation

Foreign trade operations with strategic goods are carried out only on the basis of authorisation issued by ANCEX. For arms and ammunition, as well as for nuclear materials and technologies a preliminary authorisation is required from the MoD and CNCAN respectively.

The authorisation is granted on an annual basis.

Licensing

The licence gives the right to an authorised person to carry out foreign trade operations with strategic goods.

The licence holder has the obligation to immediately inform ANCEX of any changes in the data of the application, which have occurred during the period of its validity.

The following operations with strategic goods are subject to the export control regime, according to Government Ordinance no. 158/1999:

- export and import, including re-export and any other transfers, on a permanent or temporary basis, from and to Romania;
- non–commercial operations with strategic goods, on a permanent or temporary basis, from and to Romania;
- operations conducted with foreign partners (acquisition or sale of strategic goods), outside Romania;
- international transit through Romania;
- transhipment on Romanian territory;
- destination and end–use of strategic goods subject to the above-mentioned operations.

Application Forms

Imports

1. Application for Licence and Import Licence
2. End-User Statement
3. Application for International Import Certificate
4. International Import Certificate
5. Application for Delivery Control Certificate
6. Delivery Control Certificate

Exports

1. Application for Licence and Export Licence
2. International Import Certificate)
3. Delivery Control Certificate

Licence

Licences can be issued by order of the President of ANCEX on the advice of the Interministerial Council and in accordance with EU regulation no. 1334/2000 and successive amendments.

The law provides for the following licences:

- individual
- global
- general

The individual licence is issued to a certain exporter or importer to export or import one ore more goods to or from a single foreign partner, for all controlled categories.

The global licence is issued to a certain exporter or importer for one or more goods and is valid for exports and imports to or from one or more states, for all controlled categories.

The general licence is issued to all exporters for exports of one or more goods to one or more certain states. General licenses can be issued only for the export of dual–use goods, with the exception of sensitive and very sensitive goods.

No general and global licences have yet been issued.

Permit for International Transit

Required documents:

- application for transit permit, in due form;
- information on the operation to be performed;
- invoice of the foreign partner;
- export licence or the equivalent document issued by the authority of the exporting country;
- import licence or the equivalent document issued by the authority of the country of final destination;
- documents authorising the transit, issued by the authorities of the country that will be transited;
- consent of the National Commission for Nuclear Activities Control, in case of nuclear material and technology transit;
- documents certifying that security measures of transport were ensured.

Transhipment

Required documents:

- application for transhipment permit, in due form;
- information on the operation to be performed;
- export licence or equivalent document issued by the authority of the country transferring the strategic goods;
- import licence or equivalent document issued by the authority of the country of the final destination;
- prior authorisation of the National Commission for Nuclear Activities Control, in case of nuclear material and technology transit.

International Import Certificate (IIC)

An IIC sets out the importer's commitment to import strategic goods and not to divert, tranship or re-export them without prior written consent of the issuer and has a validity of 6 months.

In the case of imports of strategic goods, the importer, if requested by their foreign partners, has to apply to ANCEX for an International Import Certificate or for an equivalent document, as required by the authority of the exporting country.

For Romanian exports of strategic goods, the export licence applicant has to submit the International Import Certificate or other equivalent document certified by the authority/government of the end-user's country.

The Delivery Verification Certificate (DVC)

DVC proves that the imported strategic goods arrived in Romania. Information such as customs office, arrival data and import customs declaration should be mentioned in the DVC.

In the case of the export of strategic goods from Romania, the Romanian exporter should obtain a DVC or other equivalent document issued or certified by the authority of the recipient country stating that the merchandise has arrived at the declared destination.

The DVC or the equivalent document has to be presented to ANCEX in original form within 4 month of the delivery date.

The Final Destination Declaration (FDD)

FDD certifies the way in which the final consignee will use the goods. The change of final destination of a product subject to control cannot be made without prior consent of ANCEX.

The FDD is a mandatory document that has to be presented in submitting an Import Licence Application for arms, munitions and other military goods, and for dual-use sensitive and very sensitive goods and technologies.

Enforcement

The National Agency for Export Control, the National Customs Authority and the Division for Economic Investigations (within the Ministry of the Interior) are the law enforcement bodies according to Romanian legislation.

The Office for the Import and Export of Special Products (within the Ministry of National Defence) and the National Commission for Nuclear Activities Control have also enforcement competences.

ANCEX has a Control Team for conducting enforcement tasks. It enjoys free access to any relevant documents and information for the strategic export control system.

Enforcement activities can be carried out during the pre-licensing, licensing, post-licensing and post-delivery phases.

The National Customs Authority verifies the customs documents for imports and exports of strategic goods. It also acts in order to prevent and identify any infringement of the law.

A Nuclear Unit has been set up for specific customs control at border crossing points. The National Customs Authority cooperates with Border Police (within the Ministry of Interior) in conducting border controls and surveillance.

The Division for Economic Investigation (within the Ministry of Interior) investigates any violation of the export control regulations and co-operates with other enforcement bodies to collect and assess appropriate information. The findings are further presented to the competent authorities for prosecution and sanctions, according to the penal law.

Penalties

Breaches of the strategic goods trade regulations constitute offences according to the Romanian Penal Code of 1998 and are punished with imprisonment, unless otherwise regulated by special legislation:

- Art. 302: non-observance of legal provisions on import and export transactions (up to 7 years);
- Art. 312: trafficking in narcotics and toxic substances (from 3 to 25 years).

According to the current legislation, non-observance of the end-user and final destination declarations of strategic goods constitutes contravention and is punished with fines.

Non-observance of the authorisation and licensing procedures, in accordance with the framework law, is sanctioned by disciplinary, administrative or criminal penalties.

Implementation/Enforcement

The Romanian authorities are committed to improve further the effectiveness of the national export control regime. In the assessment of the applications for licences and permits for transit/transhipment, a great importance is placed on information exchange on transfers and on denials.

In the past two years, for instance, ANCEX denied a number of licence applications for the export of dual-use items. The Romanian authority considered the risk of possible diversion of these items to programs of weapons of mass destruction to be high and therefore denied the applications.

Romanian authorities will further develop the national export control system based on Romania's obligations and the commitments undertaken in the field of non-proliferation and international export control regimes.

The National Agency for Exports Control (ANCEX) will undertake further steps to strengthen the current legislative and institutional framework through enacting and implementing specific norms on export control of dual-use items and technologies.

- thorough monitoring and control by ANCEX of activities related to authorisation/registration of Romanian companies carrying out international

trade with strategic goods, which require end-user certificates: regular on-site visits and checking activities, and also interviews with managers;

- ensuring effective enforcement through the Control Unit of ANCEX: regular control and monitoring of exporters, brokers, producers and users of strategic goods.

Operative Paragraph 5

Romania is a state party to the NPT, CWC and BWC. Romania supports the IAEA and the OPCW activities, as well as the continuation of the work by States party to the BWC to strengthen its implementation.

Operative Paragraph 6

Romania's lists of strategic goods and technologies are fully consistent with those agreed upon within the WA, MTCR, AG, NSG and EU. Such lists have been set up by the following Government Decisions:

- Government Decision no. 861/2004 – List of dual-use goods and technologies;
- Government Decision no. 844/2001 - List of arms, ammunition and other military goods, published in the Official Bulletin of Romania, Part I, no. 586/19 September 2001;

Government Decision no. 861/2004 updates the national export control list of dual use items and technologies pursuant to the EU latest regulations.

The current control list of arms and ammunition and other military goods subject to the strategic export and import control regime was approved by Government Decision no. 844/28 August 2001, published in the Official Bulletin of Romania, Part I, no. 586/19 September 2001. It incorporates decisions adopted by the WA with regard to the control of conventional arms and dual use goods, as well as the EU Common List of military equipment.

Operative Paragraph 7

Romania is willing to contribute its share in providing assistance, as appropriate, in response to requests from states lacking the legal and regulatory infrastructure and implementation experience for fulfilling the provisions of resolution 1540 (2004).

Operative Paragraph 8

Romania has demonstrated a longstanding commitment to promote the universalization and full implementation of the international disarmament and non-proliferation treaties. Romania will continue to promote this policy.

NPT: Romania actively promotes universal adoption, full implementation and strengthening of the Treaty. Romania continues to encourage all states to place their nuclear activities under IAEA safeguards and to conclude with the Agency Adittional protocols to their safeguards agreements. In 2002 and 2003 Romania hosted sub-regional seminars on the promotion of implementation of the integrated IAEA safeguards and on the prevention of illicit trafficking in nuclear materials.

Romania is a party to the Convention on Physical Protection of Nuclear Materials (CPPMN) and supports the efforts launched in 1998 to strenghten the scope of the Convention by broadening its coverage to all nuclear material used for peaceful purposes in domestic use, storage, and transport and by criminalizing acts of sabotage on nuclear facilities.

Romania supports the IAEA Plan of Action for the Prevention of Nuclear Terrorism and is a donor to the Nuclear Security Fund. For 2004 Romania pledged a contribution of USD 25,000 to the Fund.

In 2003 Romania organized with the IAEA the regional pilot course "Procedures of response in case of nuclear terrorism and incidents involving illicit trafficking of radioactive materials". In 2004 Romania and the IAEA will organize a regional course on "procedures of intervention in case of nuclear threat".

Romania attaches great political importance to the national implementation of the Additional Protocol to the Nuclear Safeguards Agreement

Romania supports the measures of the IAEA on strengthening the implementation of the "IAEA Code of Conduct on Radioactive Sources Safety and Security".

CWC: Romania is a strong supporter of the OPCW and supports universal adherence to and full implementation of the CWC. With support from the OPCW and

the US, Romania organized in 2004 a sub-regional seminar on the promotion of CWC universality and national implementation.

Romania will continue to provide full support for the aims and activities of the OPCW, as well as to the organization's Plan of Action on Universality

Romania organized two courses for the personnel of National Authorities to the CWC (basic and advanced levels) in November 1999, in cooperation with Technical Secretariat of the OPCW.

Romania and the United States of America are working with the OPCW to assist National Authorities of CWC States parties to improve implementation of the CWC provisions by developing "Implementation Assistance Program – IAP" dedicated software. The IAP software will be presented at the Sixth National Authorities Meeting (The Hague, 26-28 November 2004).

Romania in cooperation with the Technical Secretariat of the OPCW, Romania has offered technical assistance for the implementation of the CWC by the Republic of Moldova.

BWC: Romania is fully committed to strengthening the BTWC. Romanian experts attended the BWC meetings in 2003 and 2004 and actively participated in the discussions.

Romania will work closely with national delegations and the UK chair of the BWC Meetings in 2005, which will discuss the possible content, promulgation, and adoption of Codes of Conduct for scientists.

Romania provides annual reports to the BTWC Confidence Building Measures programme.

Future efforts will be focused on measures related to strengthening the implementation of the BTWC, prevention and combat against bio-terrorism, improvement of physical protection of nuclear sites, chemical sites and biological research and production facilities.

As a future EU member, Romania supports and has aligned itself with:

- The EU Common Position, November 2003, on the universalisation of the main multilateral non-proliferation agreements (CWC, BTWC, NPT).
- The non-proliferation clause in EU-third country agreements.
- The EU lobbying for universalisation of implementation of the Additional Protocol as condition for supply of nuclear items and technologies.
- The EU demarches for non-State parties to adhere to multilateral treaties with a view to universalization of these treaties and to strengthen such treaties to prevent the proliferation of nuclear, biological and chemical weapons.

Romania will continue to promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological or chemical weapons.

Romania will update regularly its legislation in the field of preventing and combating terrorism and WMD proliferation by non-state actors, including the adoption of Cooperation Protocols between the governmental institutions of the National System for Preventing and Combating Terrorism.

A Draft Law on preventing and combating terrorism is under consideration by the Romanian Parliament. The Law will incorporate into the domestic legal framework the relevant European norms, especially the European Council Decision 475/JHA/2002 and he European Council Directive 97/2001, as well as the provisions of other relevant universal legal instruments; Romania is a state party to all the major international conventions on terrorism.

Additional measures

Nuclear Activities

- work of the National Nuclear Regulatory Authority with institutions and industry performing authorized nuclear activities or working with radioactive materials and radioactive sources, including contacts and controls;
- training and certification of personnel working in the nuclear field by the National Nuclear Regulatory Body;

- nuclear safety and security exercises organized in cooperation with the Civil Protection and other relevant public institutions;
- disseminating information through the National Nuclear Regulatory Authority's websites (www.cncan.ro), publications and leaflets;

Additional Protocol and Nuclear Safeguards

The first "National Conference on the implementation by Romania of the Additional Protocol and the Nuclear Safeguards Agreement" was held in Bucharest in February 2004, with the objective to strengthen implementation at national level. The Conference was attended by the representatives of public institutions, industry and the academic community, as well as by representatives of the IAEA Secretariat.

CWC and export control of dual use items

- the National Authority works with Romanian industry, including to organise conferences, seminars, workshops, "open doors" activities;
- the Romanian National Authority provides advice and assistance to industry in meeting their obligations under the CWC;
- compliance visits to Romanian plant sites declared to the OPCW and to Romanian companies which performed transfers of CWC scheduled chemicals;
- the dissemination of information through the Romanian National Authority websites (www.ancex.ro and www.export-control.ro), publications and leaflets;
- the Romanian National Authority is the focal point for consultation by industry through phone, fax or e-mail (dedicated e-mail address: consultanta@ancex.ro);
- the legislation relevant to export control of dual-use goods and technologies, as well as to export control of armaments and military equipment is also posted on the Customs National Authority website (www.customs.ro)

Prevention and combating bioterrorism

In the framework of the "BIO-TECH" research program developed by the Ministry of Education and Research, an international workshop on "Preventing and Combating Bio-Terrorism" took place in Bucharest in October 2004; the workshop was

organized by the Ministry's Working Group for Combating Bio-terrorism and the "Consortium for Law and Strategic Security"-DePaul University Chicago. The workshop was attended by representatives of public institutions, the industry and research community, as well as by representatives from WHO, UNODC, UNICRI, OSCE, NATO, ICPO-INTERPOL, SIPRI, USA, and the Russian Federation

Operative Paragraph 9

Romania continues to promote dialogue and co-operation on non-proliferation issues at international, regional and bilateral level as well as within multilateral fora to address the threat posed by the proliferation of WMD and their means of delivery.

Operative Paragraph 10

Romania supports the "Proliferation Security Initiative" and the 'Statement of Interdiction Principles" adopted in Paris, on September 4th, 2003.

Romania supports also the amendments to the Convention on Suppression of Unlawful Acts on the Sea aimed at combating terrorism and WMD illicit transfers and shipments.

Romania fully supports the Global Threat Reduction Initiative and is a key partner in the promotion of programs for conversion of TRIGA research reactors from HEU to LEU.

In cooperation with the IAEA, the USA and the Russian Federation, the entire stock of fresh nuclear fuel from the VVRs reserch nuclear reactor at Magurele was returned to the country of origin in September 2003.

In November 2003 Romania signed an agreement with the US and the IAEA for the completion of conversion of the TRIGA research reactor at Pitesti, from HEU fuel to LEU fuel. The program is due to be completed in 2006.

Romania participates in international cooperation programmes and actions for Customs, Border Control, the fight against organized crime and illicit trafficking, including WMD proliferation and terrorism, in the framework of the SECI Center for Combating Organized Crime.

In May 2004, Romania launched the "Border Defense Initiative", a regional cooperation project for combating proliferation of CBRN materials. Neighboring countries have been invited to participate to this initiative.